

Appl. No.: 10/789,289
TC/A.U.: 3711 Docket No.: B04-05
Reply to Office Action of September 29, 2004

REMARKS

Claims 1 and 3-20 appear in this application for the Examiner's review and consideration.

Claim 1 has been amended to recite the elements of claim 2. Other dependent claims have been amended to change priority from claim 2 to claim 1.

The Examiner has acknowledged that original claims 2-8, 13-17 and 19 were directed to allowable subject matter.

No new matter has been added by these amendments and additions.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 3-6 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner indicated that it was not clear if the applicant was redefining the dense layer or whether the layer was being further defined as comprising the recited materials. The claims have been amended to more particularly point out that the layer is further comprised of the material recited in the claims.

The rejection under 35 U.S.C. § 112, second paragraph, is therefore believed to have been overcome. Applicants respectfully request reconsideration and withdrawal thereof.

Rejection Over U.S. Patent No. 5,803,801 In View of U.S. Patent No. 6,142,887

Claims 1 and 9-12 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,803,801 and claims 18 and 20 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,803,801 in view of U.S. Patent No. 6,142,887. The Examiner stated that the '831 patent teaches a multi-layered golf ball comprised of an inner cover made of an ionomer that can be neutralized up to 100% and that the specific gravity of the inner cover is merely a matter of design choice. Obviously, even with this characterization of the '831 patent, this reference does not address the teachings and objectives of the applicants currently claimed invention, which is particularly drawn to the use of a thin dense layer and more particularly to a thin dense layer formed of a fully neutralized ionomer. However, the Examiner did not reject claims 2-8, 13-17 or 19 based on the prior art. So, in order further the prosecution of this application, the applicant has amended claim 1 to include the limitation that the thin dense layer is also non-continuous. This element is not disclosed or suggested in either of the '831 or '887 patents.

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Thus, the rejection under 35 U.S.C. § 103(a) is believed to have been overcome for at least the above reasons. Applicants respectfully request reconsideration and withdrawal thereof.

Rejection For Double Patenting

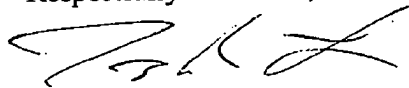
Claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-57 of U.S. Patent No. 6,743,123. Although the claims of the present invention are substantially different than the parent application in that they are more particularly directed to a fully-neutralized ionomeric, thin dense layer, a Terminal Disclaimer is provided herewith to overcome this rejection.

Conclusion

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this Response. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



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12-28-04
Date

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